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10 Attorneys for Defendant,

11 Patrick Byrne

12 **UNITED STATES DISTRICT COURT**

13 **CENTRAL DISTRICT OF CALIFORNIA**

14 ROBERT HUNTER BIDEN, an  
15 individual,

16 Plaintiff,

17 vs.

18 PATRICK M. BYRNE, an individual,

19 Defendant.

20 } Case No.: 2:23-cv-09430-SVW-PD  
21 } Judge: Honorable Stephen V. Wilson  
22 } Courtroom: "10A"

23 } Complaint Filed: November 8, 2023

24 } **DEFENDANT'S SUR REPLY IN  
25 } SUPPORT OF HIS MOTION IN  
26 } LIMINE NO. 5 TO EXCLUDE ANY  
27 } TESTIMONY OR EVIDENCE  
28 } REGARDING DEFENDANT'S  
} CHARACTER; MEMORANDUM  
} OF POINTS AND AUTHORITIES  
} IN SUPPORT THEREOF**

29 } Date: July 21, 2025  
30 } Time: 3:00 p.m.  
31 } Courtroom: "10A"

1 **TO ALL PARTIES AND THEIR ATTORNEY'S OF RECORD:**

2 Defendant Patrick Byrne hereby files his reply in support of his motion in  
3 limine to prevent Plaintiff from introducing any character evidence:

4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 **I. INTRODUCTION**

6 Plaintiff's counsel's propensity for re-filing "supplemental" briefs that are  
7 identical or nearly identical to briefs he previously filed is a huge time-waster.  
8 Plaintiff's "supplemental" brief here adds no new information or argument  
9 warranting the filing of this brief. Defense counsel had to waste time reading it,  
10 realizing it seemed familiar, then going back to the original opposition, only to  
11 note that the briefs are virtually identical. The only real changes include the  
12 removal of a footnote and heading. Plaintiff's counsel's behavior in filing these  
13 repetitive briefs, without leave of Court, increases the Defendant's attorney's fees,  
14 clogs the Court's docket, and forces the Court to read something it already read. To  
15 save the Court time, Defense counsel incorporates by reference all arguments and  
16 legal authorities in the moving and reply papers as if fully set forth herein.

17 Defendant respectfully requests that the Court grant this motion and  
18 disregard Plaintiff's "supplemental" brief.

19  
20 **II. LEGAL ARGUMENT**

21 **A. Defendant's Motion Should be Granted.**

22 Federal Rule of Civil Procedure(d) states:

23 "(d) SUPPLEMENTAL PLEADINGS. On motion and reasonable notice,  
24 the court may, on just terms, permit a party to serve a supplemental  
25 pleading setting out any transaction, occurrence, or event  
26 that happened after the date of the pleading to be supplemented.  
27 The court may permit supplementation even though the original  
28 pleading is defective in stating a claim or defense. The court may

1 order that the opposing party plead to the supplemental pleading  
2 within a specified time."

3 Plaintiff has not sought out Court authority to file this brief. Further,  
4 Federal Rules of Civil Procedure, Rule 11(b)(1) forbids the filing of papers to  
5 harass opposing counsel, or to increase the costs of litigation. Plaintiff's counsel  
6 has filed several briefs during the course of this litigation that are identical to  
7 previously-filed briefs. Each instance has forced Defense counsel to comb each  
8 brief to see if there is any new information to which Defense counsel needs to  
9 reply. This not only needlessly increases Defendant's litigation costs by forcing  
10 his counsel to engage in futile activities, but it is harassing conduct by its nature.

11 Therefore, Defendant respectfully requests that the Court deny the motion  
12 and disregard the supplemental brief.

13 **III. CONCLUSION**

14 Based on the foregoing, Defendant respectfully requests that this Court grant  
15 this Motion. Plaintiff concedes the motion and should not be allowed to change his  
16 mind and present such evidence during the trial of this case.

17  
18 Dated: July 7, 2025      LAW OFFICES OF MICHAEL C. MURPHY

19  
20 By: /s/ Michael C. Murphy, Esq.

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23 Michael C. Murphy, Esq.  
24 Michael C. Murphy, Jr., Esq.  
25 Attorneys for Defendant, Patrick  
26 Byrne  
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